

FILED

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

OCT - 4 2011

BY: JULIA S. DUDLEY, CLERK
DEPUTY CLERKUnited States of America
v.
DERRYL WAYNE WATKINSDate of Previous Judgment: 04/03/2008
(Use Date of Last Amended Judgment if Applicable)) Case No: 4:07CR00007-2
) USM No: 13020-084
)
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____
Criminal History Category: _____ Criminal History Category: _____
Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain): _____

III. ADDITIONAL COMMENTS

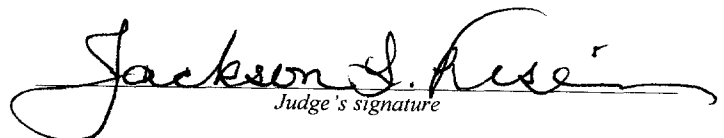
Defendant's original term of imprisonment, eighty-four months, represented a substantial departure from the bottom of the Guidelines range applicable at the time of his sentencing (which was 120 months). Applying a comparable departure to the statutory minimum sentence applicable to Defendant (120 months) would not result in a different sentence of imprisonment. Defendant's Motion [No. 71] and Response/Objection to Fair Sentencing Act [No. 74] are DENIED/OVERRULED.

Except as provided above, all provisions of the judgment dated 04/03/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 10-3-11

Effective Date: 11/01/2011
(if different from order date)


Judge's signature

Senior United States District Judge
Printed name and title